

the importer had no reasonable grounds for believing that his or her acts constituted a violation of the law.

**"§ 1229. Relation to design patent law**

"The issuance of a design patent under title 35 for an original design for an article of manufacture shall terminate any protection of the original design under this chapter.

**"§ 1230. Common law and other rights unaffected**

"Nothing in this chapter shall annul or limit—

"(1) common law or other rights or remedies, if any, available to or held by any person with respect to a design which has not been registered under this chapter; or

"(2) any right under the trademark laws or any right protected against unfair competition.

**"§ 1231. Administrator; Office of the Administrator**

"In this chapter, the 'Administrator' is the Register of Copyrights, and the 'Office of the Administrator' and the 'Office' refer to the Copyright Office of the Library of Congress.

**"§ 1232. No retroactive effect**

"Protection under this chapter shall not be available for any design that has been made public under section 1210(b) before the effective date of this chapter."

**SEC. 3. CONFORMING AMENDMENTS.**

(a) TABLE OF CHAPTERS.—The table of chapters for title 17, United States Code, is amended by adding at the end the following:

**"12. Protection of Original Designs .... 1201".**

(b) JURISDICTION OF DISTRICT COURTS OVER DESIGN ACTIONS.—(1) Section 1338(c) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

(2)(A) The section heading for section 1338 of title 28, United States Code, is amended by inserting "designs," after "mask works".

(B) The item relating to section 1338 in the table of sections at the beginning of chapter 85 of title 28, United States Code, is amended by inserting "designs," after "mask works".

(c) PLACE FOR BRINGING DESIGN ACTIONS.—Section 1400(a) of title 28, United States Code, is amended by inserting "or designs" after "mask works".

(d) ACTIONS AGAINST THE UNITED STATES.—Section 1498(e) of title 28, United States Code, is amended by inserting ", and to exclusive rights in designs under chapter 12 of title 17," after "title 17".

**SEC. 4. EFFECTIVE DATE.**

The amendments made by sections 2 and 3 shall take effect one year after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

**GENERAL LEAVE**

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

During our subcommittee hearing on H.R. 2696, the marine manufacturers effectively demonstrated that "hull

splashing," an industry term for applying a direct molding process to a boat hull in an effort to create a knock-off design, is harmful and pervasive enough to warrant legislative redress.

Consumers who purchase boats with knock-off hulls are defrauded in the sense that they are not benefiting from the many attributes of hull design, other than shape, that are structurally relevant, including those related to quality and safety. It is also highly unlikely that consumers know that a boat has been copied from an existing design. Most importantly, for the purposes of promoting intellectual property rights, if manufacturers are not permitted to recoup at least some of their research and development costs, they may no longer invest in new, innovative boat designs.

Accordingly and consistent with the history of design legislation, H.R. 2696 protects the original designs of vessel hulls. Owners of protected designs must register their work with the Copyright Office, and the term of protection allows for 10 years. The owner will enjoy the exclusive right to make, import and sell any legislative hull embodying a protected design. Infringers will be liable for compensatory damages or lost sales, and a court may increase damages by as much as \$50,000 in egregious cases.

Finally, Mr. Speaker, during the full committee markup of the bill, the gentleman from Virginia (Mr. SCOTT) expressed his desire that H.R. 2696 not cover large ships manufactured for military use. It was never our intention to protect designs for large vessels used by the Merchant Marine or the Armed Services, and I am pleased that we were able to develop some compromise language on the subject that is acceptable to all parties involved.

This language and a few technical changes to the bill are incorporated in the manager's amendment which I offer as a substitute to the bill as reported by the committee.

In sum, Mr. Speaker, this is a good bill that will offer limited protection to an industry in which effort, investment and creativity are presently unrewarded. I urge my colleagues to pass H.R. 2696, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 2696, the Vessel Hull Design Protection Act. This legislation creates a new design patent for vessel hulls. Confusion between copyright patent and trademark protection for hull models over the years has apparently produced a proliferation of unattributed and bad copies of expensive designs, and this legislation articulates clearer standards for the grant of a design patent.

This industrial design problem is illustrated in the Supreme Court's 1989 decision in *Bonito Boats*, effectively denying intellectual property protection for a Florida boat designer be-

cause of the contrary Florida State law. Here, I agree with the subcommittee Chairman, Mr. COBLE, in that it is important that we send a message that when it comes to theft of patents and trademarks, it is necessary for Congress to set a predictable and uniform Federal rule.

The Patent and Trademark Office does not have a formal view on this bill; but, as a general policy, they prefer not to enumerate subgroups of patents. Nevertheless, they do not oppose this legislation.

Finally, I would like to thank the Chairman for his cooperation and kind assistance by adding clarifying language that exempts vessels more than 200 feet. This language, while maintaining copyright protection of smaller vessels, will not interfere with the commercial practices of the industry for larger vessels, and that is a very significant concern in my congressional district.

Mr. Speaker, I urge my colleagues to support the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume to express my thanks to the gentleman from Virginia (Mr. SCOTT) and the other members of the subcommittee for having worked very cooperatively with us in this matter.

Mr. Speaker, I have no further requests for time; and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2696, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

**FEDERAL COURTS IMPROVEMENT ACT OF 1998**

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2294) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2294

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 1998."

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title and table of contents.

**TITLE I—JUDICIAL FINANCIAL ADMINISTRATION**

Sec. 101. Reimbursement of judiciary for civil and criminal forfeiture expenses.

- Sec. 102. Transfer of retirement funds.
- Sec. 103. Extension of Judiciary Information Technology Fund.
- Sec. 104. Bankruptcy fees.
- Sec. 105. Disposition of miscellaneous fees.

#### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

- Sec. 201. Extension of statutory authority for magistrate judge positions to be established in the district courts of Guam and the Northern Mariana Islands.
- Sec. 202. Magistrate judge contempt authority.
- Sec. 203. Consent to magistrate judge authority in petty offense cases and magistrate judge authority in misdemeanor cases involving juvenile defendants.
- Sec. 204. Savings and loan data reporting requirements.
- Sec. 205. Place of holding court in the Eastern District of Texas.
- Sec. 206. Federal substance abuse treatment program reauthorization.
- Sec. 207. Membership in circuit judicial councils.
- Sec. 208. Sunset of civil justice expense and delay reduction plans.
- Sec. 209. Repeal of Court of Federal Claims filing fee.
- Sec. 210. Technical bankruptcy correction.
- Sec. 211. Technical amendment relating to the treatment of certain bankruptcy fees collected.

#### TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

- Sec. 301. Disability retirement and cost-of-living adjustments of annuities for territorial judges.
- Sec. 302. Federal Judicial Center personnel matters.
- Sec. 303. Judicial administrative officials retirement matters.
- Sec. 304. Judges' firearms training.
- Sec. 305. Exemption from jury service.
- Sec. 306. Expanded workers' compensation coverage for jurors.
- Sec. 307. Property damage, theft, and loss claims of jurors.
- Sec. 308. Annual leave limit for court unit executives.
- Sec. 309. Transfer of county to Middle District of Pennsylvania.
- Sec. 310. Creation of two divisions in Eastern District of Louisiana.
- Sec. 311. District judges for the Florida district courts.
- Sec. 312. Change in composition of divisions in Western District of Tennessee.
- Sec. 313. Payments to military survivors benefits plan.
- Sec. 314. Creation of certifying officers in the judicial branch.
- Sec. 315. Authority to prescribe fees for technology resources in the courts.

#### TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

- Sec. 401. Maximum amounts of compensation for attorneys.
- Sec. 402. Maximum amounts of compensation for services other than counsel.
- Sec. 403. Tort Claims Act amendment relating to liability of Federal public defenders.

#### TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

#### SEC. 101. REIMBURSEMENT OF JUDICIARY FOR CIVIL AND CRIMINAL FORFEITURE EXPENSES.

(a) TRANSFERS FROM JUSTICE AND TREASURY FORFEITURE FUNDS.—Section 524(c) of title 28, United States Code, is amended—

(1) by inserting after paragraph (11) the following paragraph (12):

“(12)(A) In the fiscal year following the fiscal year in which this paragraph is enacted and in each fiscal year thereafter, an amount as specified in subparagraph (B) shall be transferred annually to the judiciary into the fund established under section 1931 of this title, for expenses incurred in—

“(i) adjudication of civil and criminal forfeiture proceedings that result in deposits into the Fund (except the expense of salaries of judges);

“(ii) representation, pursuant to the provisions of section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q)) of offenders whose assets have been seized in such forfeiture proceedings, to the extent that such expenses of representation could have been recovered through an order for payment or for reimbursement of appropriations for defender services pursuant to section 3006A(f) of title 18; and

“(iii) supervision by United States probation officers of offenders under home detention or other forms of confinement outside of facilities of the Bureau of Prisons.

“(B) The amount to be transferred under subparagraph (A)—

“(i) shall be a portion of the amount of the combined fiscal year deposits into both the Fund and the Department of the Treasury Forfeiture Fund established by section 9703 of title 31 (hereinafter referred to in this paragraph as ‘both Funds’), which shall not exceed the statement of costs incurred by the judiciary in providing the services identified in subparagraph (A), as set forth by the Director of the Administrative Office of the United States Courts in a report to the Attorney General and the Secretary of the Treasury no later than 90 days after the end of the fiscal year in which the expenses were incurred, except that—

“(I) the total amount to be transferred from both Funds shall not exceed \$50,000,000, or 10 percent of the total combined deposits into both Funds, whichever is less;

“(II) the proportion of the amount transferred from the Fund to the total amount to be transferred shall be equal to the proportion of the fiscal year deposits into the Fund to the combined fiscal year deposits in both Funds; and

“(III) the total amount to be transferred from both Funds may exceed the limits set out in this subparagraph, subject to the discretion of the Attorney General and the Secretary of the Treasury; and

“(ii) shall be paid from revenues deposited into the Fund during the fiscal year in which the expenses were incurred and are not required to be specified in appropriations Acts.”.

(b) TREASURY FORFEITURE FUND.—Section 9703 of title 31, United States Code, is amended—

(1) by redesignating subsection (p) as subsection (q); and

(2) by inserting after subsection (o) the following new subsection:

“(p) TRANSFER TO THE FEDERAL JUDICIARY.—In the fiscal year following the fiscal year in which this subsection is enacted and in each fiscal year thereafter, an amount necessary to meet the requirements of section 524(c)(12) of title 28 shall be transferred to the judiciary, subject to the limitations, terms, and conditions specified in that section for such transfers.”.

(c) CONFORMING AMENDMENT.—Section 1931(a) of title 28, United States Code, is amended by inserting “or other judicial services, including services provided pursuant to section 3006A of title 18 or section 408(q) of the Controlled Substances Act (21 U.S.C. 848(q))” after “courts of the United States”.

#### SEC. 102. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

“(p) Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund, as defined under section 8348 of title 5, shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects under section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.”.

#### SEC. 103. EXTENSION OF JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking “equipment” each place it appears and inserting “resources”;

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated,—

(A) by striking “Judiciary” each place it appears and inserting “judiciary”;

(B) by striking “subparagraph (c)(1)(B)” and inserting “subsection (c)(1)(B)”;

(C) by striking “under (c)(1)(B)” and inserting “under subsection (c)(1)(B)”.

#### SEC. 104. BANKRUPTCY FEES.

Subsection (a) of section 1930 of title 28, United States Code, is amended by adding at the end the following new paragraph:

“(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.”.

#### SEC. 105. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 1999 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 1998, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

#### TITLE II—JUDICIAL PROCESS IMPROVEMENTS

#### SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: “The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Judicial Conference may determine under

this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court.”; and

(2) by inserting in the first sentence of paragraph (1) of subsection (b) after “Commonwealth of Puerto Rico,” the following: “the Territory of Guam, the Commonwealth of the Northern Mariana Islands.”.

#### **SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.**

Section 636(e) of title 28, United States Code is amended to read as follows:

“(e) CONTEMPT AUTHORITY.—

“(1) IN GENERAL.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

“(2) SUMMARY CRIMINAL CONTEMPT AUTHORITY.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge’s presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to the Federal Rules of Criminal Procedure.

“(3) ADDITIONAL CRIMINAL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment criminal contempt constituting disobedience or resistance to the magistrate judge’s lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

“(4) CIVIL CONTEMPT AUTHORITY IN CIVIL CONSENT AND MISDEMEANOR CASES.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

“(5) CRIMINAL CONTEMPT PENALTIES.—The sentence imposed by a magistrate judge for any criminal contempt provided for in paragraphs (2) and (3) shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

“(6) CERTIFICATION OF OTHER CONTEMPTS TO THE DISTRICT COURT.—Upon the commission of any such act—

“(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

“(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

“(i) the act committed in the magistrate judge’s presence may, in the opinion of the

magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

“(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

“(iii) the act constitutes a civil contempt, the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act or conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

“(7) APPEALS OF MAGISTRATE JUDGE CONTEMPT ORDERS.—The appeal of an order of contempt pursuant to this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. In any other proceeding in which a United States magistrate judge presides under subsection (a) or (b) of this section, section 3401 of title 18, or any other statute, the appeal of a magistrate judge’s summary contempt order shall be made to the district court.”.

#### **SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.**

(a) AMENDMENTS TO TITLE 18.—

(1) PETTY OFFENSE CASES.—Section 3401(b) of title 18, United States Code, is amended by striking “that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction,” after “petty offense”.

(2) CASES INVOLVING JUVENILES.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: “The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.”;

(B) in the second sentence by striking “any other class B or C misdemeanor case” and inserting “the case of any misdemeanor, other than a petty offense.”; and

(C) by striking the last sentence.

(b) AMENDMENTS TO TITLE 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting in the following:

“(4) the power to enter a sentence for a petty offense; and

“(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.”.

#### **SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.**

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24).

#### **SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.**

(a) TEXAS.—The second sentence of section 124(c)(3) of title 28, United States Code, is amended by inserting “and Plano” after “held at Sherman”.

(b) TEXARKANA.—Sections 83(b)(1) and 124(c)(6) of title 28, United States Code, are each amended by adding before the period at the end of the last sentence the following: “, and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas”.

#### **SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.**

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95-537; 92 Stat. 2038; 18 U.S.C. 3672 note) is amended by striking all that follows “there are authorized to be appropriated” and inserting “for fiscal year 1998 and each fiscal year thereafter such sums as may be necessary.”.

#### **SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.**

Section 332(a) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) The chief judge of each judicial circuit shall call and preside at a meeting of the judicial council of the circuit at least twice in each year and at such places as he or she may designate. The council shall consist of an equal number of circuit judges (including the chief judge of the circuit) and district judges, as such number is determined by majority vote of all such judges of the circuit in regular active service.”;

(2) by striking paragraph (3) and inserting the following:

“(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council.”; and

(3) by striking “retirement,” in paragraph (5) and inserting “retirement under section 371(a) or section 372(a) of this title.”.

#### **SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.**

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101-650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105-53 (111 Stat. 1173), is amended by inserting “471,” after “sections”.

#### **SEC. 209. REPEAL OF COURT OF FEDERAL CLAIMS FILING FEE.**

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

#### **SEC. 210. TECHNICAL BANKRUPTCY CORRECTION.**

Section 1228 of title 11, United States Code, is amended by striking “1222(b)(10)” each place it appears and inserting “1222(b)(9)”.

#### **SEC. 211. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.**

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016; 28 U.S.C. 1931 note) is amended by striking “service enumerated after item 18” and inserting “service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989.”.

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of the enactment of this Act.

#### **TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS**

#### **SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.**

Section 373 of title 28, United States Code, is amended—

(1) by amending subsection (c)(4) to read as follows:

“(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation

(in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.”;

(2) by amending subsection (e) to read as follows:

“(e)(1) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

“(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge’s life an annuity equal to the salary received when the judge left office; or

“(B) if such judicial service, continuous or otherwise, aggregated less than 15 years, to receive during the remainder of such judge’s life an annuity equal to that proportion of such salary which the aggregate number of such judge’s years of service bears to 15.

“(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least five years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge’s life an annuity equal to 40 percent of the salary received when the judge left office, or, in the case of a judge who has served at least ten years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge’s years of judicial service bears to 15.”; and

(3) by amending subsection (g) to read as follows:

“(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.”.

#### SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “, United States Code,”;

(B) by striking “pay rates, section 5316, title 5, United States Code” and inserting “under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5”; and

(C) by striking “the Civil Service” and all that follows through “Code” and inserting “subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a re-employed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title”;

(2) in subsection (c)—

(A) by striking “, United States Code,”;

(B) by inserting a comma after “competitive service”; and

(C) by striking the comma after “such title”; and

(3) in subsection (d)—

(A) by striking “, United States Code,” each place it appears”; and

(B) by striking “, section 5332, title 5” and inserting “under section 5332 of title 5”.

#### SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) DIRECTOR OF ADMINISTRATIVE OFFICE.—Section 611 of title 28, United States Code, is amended—

(1) in subsection (d), by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”;

(2) in subsection (b)—

(A) by striking “who has served at least fifteen years and” and inserting “who has at least fifteen years of service and has”;

(B) in the first undesignated paragraph, by striking “who has served at least ten years,” and inserting “who has at least ten years of service,”; and

(3) in subsection (c)—

(A) by striking “served at least fifteen years,” and inserting “at least fifteen years of service,”; and

(B) by striking “served less than fifteen years,” and inserting “less than fifteen years of service,”.

(b) DIRECTOR OF THE FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) in subsection (e), by inserting “a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives,” after “Congress,”;

(2) in subsection (c)—

(A) by striking “who has served at least fifteen years and” and inserting “who has at least fifteen years of service and has”;

(B) in the first undesignated paragraph, by striking “who has served at least ten years,” and inserting “who has at least ten years of service,”; and

(3) in subsection (d)—

(A) by striking “served at least fifteen years,” and inserting “at least fifteen years of service,”; and

(B) by striking “served less than fifteen years,” and inserting “less than fifteen years of service,”.

#### SEC. 304. JUDGES’ FIREARMS TRAINING.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following new section:

##### “§464. Carrying of firearms by judicial officers

“(a) AUTHORITY.—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only to—

“(1) those States in which the carrying of firearms by judicial officers of the State is permitted by State law, and

“(2) regardless of State law, to any place where the judicial officer of the United States sits, resides, or is present on official travel status.

“(b) IMPLEMENTATION.—

“(1) REGULATIONS.—The regulations promulgated by the Judicial Conference under subsection (a) shall—

“(A) require a demonstration of a judicial officer’s proficiency in the use and safety of firearms as a prerequisite to the carrying of firearms under the authority of this section; and

“(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is con-

sistent with the policy of the Marshals Service on the carrying of firearms by persons receiving such protection.

“(2) ASSISTANCE BY OTHER AGENCIES.—At the request of the Judicial Conference, the Department of Justice and appropriate law enforcement components of the Department shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in subsection (b)(1).

“(c) DEFINITION.—For purposes of this section, the term, ‘judicial officer of the United States’ means—

“(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

“(2) a justice or judge of the United States who has retired from the judicial office under section 371(a) for—

“(A) a 1-year period following such justice’s or judge’s retirement; or

“(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

“(3) a United States bankruptcy judge;

“(4) a full-time or part-time United States magistrate judge;

“(5) a judge of the United States Court of Federal Claims;

“(6) a judge of the District Court of Guam;

“(7) a judge of the District Court for the Northern Mariana Islands;

“(8) a judge of the District Court of the Virgin Islands; or

“(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

“(d) EXCEPTION.—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 21 of title 28, United States Code, is amended by adding at the end thereof the following:

“464. Carrying of firearms by judicial officers.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect upon the earlier of the promulgation of regulations by the Judicial Conference under the amendments made by this section or one year after the date of the enactment of this Act.

#### SEC. 305. EXEMPTION FROM JURY SERVICE.

(a) MEMBERS OF THE ARMED FORCES.—Paragraph (6) of section 1863(b) of title 28, United States Code, is amended to read as follows:

“(6) specify that members in active service in the Armed Forces of the United States are barred from jury service on the ground that they are exempt.”.

(b) CONFORMING AMENDMENT.—Section 1869 of title 28, United States Code, is amended by repealing subsection (i).

#### SEC. 306. EXPANDED WORKERS’ COMPENSATION COVERAGE FOR JURORS.

Paragraph (2) of section 1877(b) of title 28, United States Code, is amended—

(1) by striking “or” at the end of clause (C); and

(2) by inserting before the period at the end of clause (D) “, or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court”.

#### SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF JURORS.

Section 604 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

“(i) The Director may pay a claim by a person summoned to serve or serving as a

grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person's performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31 for consideration of employees' personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection."

**SEC. 308. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.**

Section 6304(f)(1) of title 5, United States Code, is amended by adding at the end thereof the following:

"(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States."

**SEC. 309. TRANSFER OF COUNTY TO MIDDLE DISTRICT OF PENNSYLVANIA.**

(a) TRANSFER.—Section 118 of title 28, United States Code, is amended—

(1) in subsection (a) by striking "Philadelphia, and Schuylkill" and inserting "and Philadelphia"; and

(2) in subsection (b) by inserting "Schuylkill," after "Potter,".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Pennsylvania.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

**SEC. 310. CREATION OF TWO DIVISIONS IN EASTERN DISTRICT OF LOUISIANA.**

(a) CREATION OF TWO DIVISIONS.—Section 98(a) of title 28, United States Code, is amended to read as follows:

"(a) The Eastern District comprises two divisions.

"(1) *The New Orleans Division comprises the parishes of Jefferson, Orleans, Plaquemines, Saint Bernard, Saint Charles, Saint John the Baptist, Saint Tammany, Tangipahoa, and Washington.*

"*Court for the New Orleans Division shall be held at New Orleans.*

"(2) *The Houma Division comprises the parishes of Assumption, Lafourche, Saint James, and Terrebonne.*

"*Court for the Houma Division shall be held at Houma.*"

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect 180 days after the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending on such date in the United States District Court for the Eastern District of Louisiana.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving on the effective date of this section.

**SEC. 311. DISTRICT JUDGES FOR THE FLORIDA DISTRICT COURTS.**

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate—

(1) 3 additional district judges for the middle district of Florida; and

(2) 2 additional district judges for the southern district of Florida.

(b) TEMPORARY JUDGESHIP.—

(1) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the middle district of Florida.

(2) FIRST VACANCY NOT FILLED.—The first vacancy in the office of district judge in the middle district of Florida, occurring 7 years or more after the confirmation date of the last judge named to fill the judgeships created by subsection (a) and this subsection for the middle district of Florida, shall not be filled.

(c) TABLES.—In order that the table contained in section 133 of title 28, United States Code, reflects the changes in the total number of permanent district judgeships authorized by subsection (a) of this section, the item relating to Florida in such table is amended to read as follows:

"Florida:	
Northern .....	4
Middle .....	14
Southern .....	18"

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section, including such sums as may be necessary to provide appropriate space and facilities for the judicial positions created by this section.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of enactment of this Act.

**SEC. 312. CHANGE IN COMPOSITION OF DIVISIONS IN WESTERN DISTRICT OF TENNESSEE.**

(a) IN GENERAL.—Section 123(c) of title 28, United States Code, is amended—

(1) in paragraph (1) by inserting "Dyer," after "Decatur,"; and

(2) in paragraph (2) by striking "Dyer,".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) PENDING CASES NOT AFFECTED.—This section and the amendments made by this section shall not affect any action commenced before the effective date of this section and pending in the United States District Court for the Western District of Tennessee on such date.

(3) JURIES NOT AFFECTED.—This section and the amendments made by this section shall not affect the composition, or preclude the service, of any grand or petit jury summoned, impaneled, or actually serving in the Western Judicial District of Tennessee on the effective date of this section.

**SEC. 313. PAYMENTS TO MILITARY SURVIVORS BENEFITS PLAN.**

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

**SEC. 314. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.**

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

**"§613. Disbursing and certifying officers**

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be

disbursing officers in such numbers and locations as the Director considers necessary. Such disbursing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except that such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. Such certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following item:

"613. Disbursing and certifying officers."

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;"

**SEC. 315. AUTHORITY TO PRESCRIBE FEES FOR TECHNOLOGY RESOURCES IN THE COURTS.**

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

**"§614. Authority to prescribe fees for technology resources in the courts**

"The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for collection by the courts for use of information

technology resources provided by the judiciary for remote access to the courthouse by litigants and the public, and to facilitate the electronic presentation of cases. Fees under this section may be collected only to cover the costs of making such information technology resources available for the purposes set forth in this section. Such fees shall not be required of persons financially unable to pay them. All fees collected under this section shall be deposited in the Judiciary Information Technology Fund and be available to the Director without fiscal year limitation to be expended on information technology resources developed or acquired to advance the purposes set forth in this section."

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

"614. Authority to prescribe fees for technology resources in the courts."

(c) TECHNICAL AMENDMENT.—Chapter 123 of title 28, United States Code, is amended—

(1) by redesignating the section 1932 entitled "Revocation of earned release credit" as section 1933 and placing it after the section 1932 entitled "Judicial Panel on Multidistrict Litigation"; and

(2) in the table of sections by striking the 2 items relating to section 1932 and inserting the following:

"1932. Judicial Panel on Multidistrict Litigation.

"1933. Revocation of earned release credit."

#### **TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS**

##### **SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.**

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "3,500" and inserting "5,000";

(B) by striking "1,000" and inserting "1,500";

(2) in the second sentence by striking "2,500" and inserting "3,600";

(3) in the third sentence—

(A) by striking "750" and inserting "1,100";

(B) by striking "2,500" and inserting "3,600";

(4) by inserting after the second sentence the following new sentence: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a United States magistrate or the district court, or both. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "750" and inserting "1,100".

##### **SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.**

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking "300" and inserting "450"; and

(B) in subparagraph (B) by striking "300" and inserting "450"; and

(2) in paragraph (3) in the first sentence by striking "1,000" and inserting "1,500".

##### **SEC. 403. TORT CLAIMS ACT AMENDMENT RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.**

Section 2671 of title 28, United States Code, is amended in the second undesignated paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: "; and (2) any officer or employee of a Federal public defender organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. COBLE).

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2294 contains several provisions that are needed to improve the Federal court system. It is designed to improve administration and procedures, eliminate operational inefficiencies, and reduce operating expenses.

The provisions contained in H.R. 2294 address administrative, financial, personnel, organizational, and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive impact on the operations of the Federal courts and enhance the delivery of justice in the Federal system.

The manager's amendment makes no substantive changes. However, on the advice of legislative counsel, certain technical and conforming changes have been made to H.R. 2294.

Also, after consultation with the Committee on the Budget, it became rather clear that the provision regarding the "Rule of 80" would require unanticipated expenditures.

□ 1045

Therefore, it was taken out of H.R. 2294 and will be reconsidered in the future. H.R. 2294, Mr. Speaker, is necessary legislation for the proper functioning of our Article III United States Courts. It is nonpartisan, non-controversial, and I urge the House to pass 2294.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2294, the Federal Courts Improvement Act of 1997. This bipartisan legislation is the result of a long list of desired changes from the Administrative Office of the United States Courts.

I thank the gentleman from North Carolina (Mr. COBLE), my subcommittee chairman, and the gentleman from Massachusetts (Mr. FRANK), the ranking member, for working together to

produce a bipartisan bill that all of the members of the Committee on the Judiciary could agree to.

Among other provisions included in this bill is an amendment to 28 U.S.C. to authorize reimbursements to the judicial branch out of funds in the Justice Department Asset Forfeiture Fund and the Department of the Treasury Asset Forfeiture Fund for certain expenses incurred by the judicial branch in connection with the adjudications of asset forfeitures. Section 303 provides that a U.S. magistrate judge shall be given the power to exercise contempt authority within the territorial jurisdiction prescribed by his or her appointment.

Another important element of this legislation is that it reauthorizes appropriations for fiscal year 1998 and subsequent years such sums as may be necessary to carry out the drug and alcohol after care program for Federal offenders administered by the probation and pretrial services division of the Administrative Office of the United States Courts.

This legislation also eliminates exemptions for members of State and local fire or police departments and public officers of Federal and State governments from Federal jury service.

Lastly, the bill extends Federal Employees' Compensation Act protections to jurors while they are traveling to and from court. So I urge my colleagues to support this bill.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. SHEILA JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding me the time. I thank the gentleman for his leadership on this bill, and I thank the chairman as well.

Let me cite my appreciation for some of the very vital points that we find in the Federal Courts Improvement Act. Particularly, as a member of the Committee on Science, let me applaud the provision that permanently extends the Judiciary Information Technology Fund, which provides the judiciary with the capital to purchase and maintain computers and other technologies and removes the funds from the budget management process of the executive branch.

How often I have heard from my judges throughout the United States on the importance of having this kind of technology in the courts? So I particularly appreciate the fact that we have this particular process included.

I also note something that I think is very interesting, and maybe we should not applaud, but I do. That is that it eliminates the current exemption from Federal jury duty for members of the police, fire departments, elected public officials of Federal and State governments, and their appointees. I realize what that says, but I do hope that further enhances the democratic process, and as well, the opportunity for an expanded jury.

Likewise, I support the compensation of jurors as they travel from one place



to the next. The Southern District of Texas is a very large district. That creates a heavy burden on our jurors and persons that would commit themselves to this process.

Mr. Speaker, I do have another improvement that, unfortunately, cannot be added to this bill. I would simply say that what would really improve the process is, of course, the need for the confirmation of appointees to the United States Courts that are being sent over to the other body.

I would argue vigorously that the litmus test that is being utilized, the conservative litmus test that befell Judge Massiah-Jackson just 48 hours ago, is a tragedy and a disgrace. I would hope that we take the Federal Courts Improvement Act to heart. As I reflected on the last 20 years of confirmation processes, when we had a Republican administration and a Democratic Congress, never in the history of this Congress have we seen such obstructionist processes utilized to distract away from the confirmation process. My rights, my constituents' rights, those of us who believe in social justice and civil rights, are being denied.

So this bill does not go far enough for me. Frankly, we need to get a grip on this process and realize that the process of government is not obstructionist, it is to realize and to go forward and to allow the process to meet its course.

I feel sad for Judge Massiah-Jackson, an able jurist, attacked even by those that would pretend to want justice, not looking at her record accurately. Frankly, this is happening all over the country. I am facing it in the State of Texas, and we are backlogged without the necessary courts and judges to fill them. I simply say to my colleagues, it is time now to really have a Federal Courts Improvement Act; that is, to proceed to the requests of Justice Rehnquist, the Supreme Court Justice, Chief Justice, who has said we cannot function, as I paraphrase him, with the extreme backlog that we have.

I would think that, in all good conscience, we cannot pass this bill without recognizing that we have a real problem in not confirming the very able appointees that have been appointed by this administration. I hope my colleagues will certainly understand and comprehend and help us pass a real Courts Improvement Act with the appointment of our able jurists.

Mr. Speaker, this legislation implements a number of administrative changes to the federal court system recommended by the United States Judicial Conference.

The U.S. Judicial Conference serves as the administrative and policy-making arm of the judiciary branch, advising Congress on the creation of new judgeships and the modification of the court system. Biennially, the Conference submits recommendations, such as those that comprise H.R. 2294, to Congress for improvements to the federal justice system.

One important factor in my support of this legislation is that the changes it contains are largely those requested by judges themselves;

these are not changes being forced upon an unwilling judiciary. Such cooperation between the judicial and legislative branches is encouraging.

I would like to thank both Congressman COBLE, Chairman of the Judiciary Subcommittee on Courts and Intellectual Property, and Congressman FRANK, Ranking Member of the Subcommittee, for their hard work in crafting this nonpartisan bill. Their leadership is to be commended and I hope will set an example of the accomplishments and benefits realized with cooperation, a quality that has been notably absent as the logjam of Senate judicial confirmations continues to worsen.

Now I turn to discussion of certain of the provisions of this legislation. In particular, I would like to draw your attention to Section 305 of this bill which authorizes federal judges to carry firearms when crossing municipal or state lines, and establishes a firearms training program for those judges. It is an unfortunate comment on our society's diminishing respect for both authority and life itself that our federal judges are so threatened that must be given the right to carry a concealed weapon simply to ensure their ability to protect themselves. While I am always mindful of states' right to regulate in this area, I am convinced that the growing threat to federal judges' safety warrants our involvement in this instance. Further, the training which will accompany this right should allay safety concerns.

Next, I turn to Section 401 of the bill. Section 401 increases the maximum compensation for attorneys serving as appointed counsel in federal criminal cases. Section 401 would simply increase maximum case compensation by approximately the rate of inflation since 1986 (43.3 percent) the last year that case compensation maximums were increased. This increase is well-deserved and long overdue. It is a change that is necessary to ensure that those of our citizens who are unable to afford the often daunting expense of legal representation receive appropriate and able representation from their appointed counsel.

Finally, I want to bring your attention to Section 206 of H.R. 2294 which reauthorize appropriations for federal substance abuse treatment aftercare programs for this and subsequent years. In my home state of Texas, state officials estimate that 70 to 85 percent of prison inmates need some level of substance abuse treatment. In Texas, 51 percent of persons convicted of a drug law violation who had their probation revoked had used drugs within 24 hours of their crime. The same is true of 36 percent of violent offenders. Prisons can assist inmates and help to reduce crime by helping released inmates to participate in community-based treatment services. In the absence of such support, released inmates too often find themselves in the same environment of drug use and criminal behavior which landed them in jail originally. Reauthorization of the federal substance abuse treatment aftercare programs is critical to helping break this cycle by providing a helping hand to newly released inmates—by assisting them in successfully reentering society.

For these reasons, I rise today in support of H.R. 2294 and urge my colleagues to join me in support of this legislation.

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. CANADY), a valued member of the Sub-

committee on Courts and Intellectual Property.

Mr. CANADY of Florida. Mr. Speaker, I want to express my gratitude to the gentleman for his leadership on this bill. This is a significant bill which will help ensure that the Federal courts are able to carry out their important work in the most effective manner possible. I thank the gentleman for his leadership, and I commend this bill to all the Members of the House. I am hopeful that we will see this bill passed into law in very short order.

Mr. SCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Guam (Mr. Underwood).

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of this legislation, H.R. 2294, legislation which provides much needed improvements for the effective operation of our Federal judiciary system.

This is particularly welcome by the District Court of Guam in order to relieve the backlog of cases. Over the past 3 years our local District Court judge had one of the highest caseloads of similar judges in the country. The majority of his cases dealt with drug violations, illegal immigration cases, and firearms cases.

Due to the vagaries of Guam's Organic Act, the Guam District Court judge currently serves as both criminal and civil judge, and also functions as the magistrate judge, the bankruptcy judge, and the territorial tax court judge. Due to this huge caseload, the Ninth Circuit in California has had to send visiting judges to Guam to help manage the caseload.

I applaud the work of Chief Judge John Unpingco of the District Court of Guam, and especially for his diligence and dedication to the effective enforcement of Federal laws on Guam. The Federal judiciary on Guam and the Commonwealth of the Northern Marianas will be better served with the authority to hire magistrate judge positions.

I thank the gentleman from Virginia (Mr. ROBERT SCOTT) for yielding me the time to express my strong support for this bill. I thank members of the Committee on the Judiciary for their expeditious action in improving this bill.

Mr. SCOTT. Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to express my thanks to the gentleman from Massachusetts (Mr. BARNEY FRANK), the ranking member on the subcommittee, the gentleman from Virginia (Mr. SCOTT), and Democrats and Republicans alike who worked very cooperatively and very much in unison with each other in bringing this bill to its present stage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TIAHRT). The question is on the motion

offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 2294, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. MANZULLO. Mr. Speaker, the House of Representatives just passed under suspension of the rules HR 2294, the Federal Courts Improvement Act of 1998. I was unavoidably detained from floor proceedings. However, had I been present I would have requested a recorded vote and voted against the bill.

I strongly opposed the measure based upon one section of the bill: Section 202. This section would grant magistrate judges contempt authority. I am adamantly opposed to granting such power to these judges on constitutional grounds. I am not alone in this. In fact, the Justice Department in its comments printed in the committee report argues that giving such power to non Article III judges raises constitutional concerns. Magistrates do not go through the normal nomination process. As the Supreme Court stated in a recent opinion, the power to hold persons in criminal contempt is not only awesome, but is also an inherent power of Article III judges. Magistrate judges are not Article III judges.

The Legislative Branch has much to lose if it continues to grant increased powers to those who are unelected. In my congressional district, a Federal magistrate has taken control of a local school district. To put it simply, he single handedly ordered the school board to raise taxes. Out of fear of contempt orders from the magistrate, school board members who were opposed to the tax increase switched their votes to support the tax increase. From the very fact that HR 2294 attempts to grant this power, it is clear that Federal magistrates do not currently have that power. However, it is also clear that there were no attempts made by the court to clear up the misunderstanding about that power and in fact promoted the false concept. Imagine what type of abuse of power we would see IF we actually grant such authority.

I am sure that there are other commendable provisions in HR 2294. However, it is my sincere hope that Section 202 as passed by voice vote today in the House of Representatives is stripped out of the final version of this legislation.

#### CIVIL RIGHTS COMMISSION ACT OF 1998

Mr. CANADY of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3117) to reauthorize the United States Commission on Civil Rights, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3117

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Civil Rights Commission Act of 1998".*

#### SEC. 2. EXTENSION AND AUTHORIZATION OF APPROPRIATIONS.

(a) *EXTENSION.*—Section 6 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975d) is

amended by striking "1996" and inserting "2001".

(b) *AUTHORIZATION.*—The first sentence of section 5 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975c) is amended to read "There are authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years through fiscal year 2001.".

#### SEC. 3. STAFF DIRECTOR.

Section 4(a)(1) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b(a)(1)) is amended—

(1) by striking "There shall" and inserting the following:

"(A) *IN GENERAL.*—There shall";

(2) by striking "(A)" and inserting the following:

"(i)";

(3) by striking "(B)" and inserting the following:

"(ii)"; and

(4) by adding at the end the following:

"(B) *TERM OF OFFICE.*—The term of office of the Staff Director shall be 4 years.

"(C) *REVIEW AND RETENTION.*—The Commission shall annually review the performance of the staff director.".

#### SEC. 4. APPLICATION OF FREEDOM OF INFORMATION, PRIVACY, SUNSHINE, AND ADVISORY COMMITTEE ACTS.

Section 4 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b) is amended by adding at the end the following:

"(f) *APPLICATION OF CERTAIN PROVISIONS OF LAW.*—The Commission shall be considered to be an agency, as defined in section 551(1) of title 5, United States Code, for the purposes of sections 552, 552a, and 552b of title 5, United States Code, and for the purposes of the Federal Advisory Committee Act."

#### SEC. 5. REQUIREMENT FOR INDEPENDENT AUDIT.

Section 4 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975b) is further amended by adding at the end the following:

"(g) *INDEPENDENT AUDIT.*—Beginning with the fiscal year ending September 30, 1998, and each year thereafter, the Commission shall prepare an annual financial statement in accordance with section 3515 of title 31, United States Code, and shall have the statement audited by an independent external auditor in accordance with section 3521 of such title."

#### SEC. 6. TERMS OF MEMBERS.

(a) *IN GENERAL.*—Section 2(c) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975(c)) is amended by striking "6 years" and inserting "5 years".

(b) *APPLICABILITY.*—The amendment made by this section shall apply only with respect to terms of office commencing after the date of the enactment of this Act.

#### SEC. 7. REPORTS.

Section 3(c)(1) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(c)(1)) is amended by striking "at least one report annually" and inserting "a report on or before September 30 of each year".

#### SEC. 8. SPECIFIC DIRECTIONS TO THE COMMISSION.

(a) *IMPLEMENTATION OF GAO RECOMMENDATIONS.*—The Commission shall, not later than June 30, 1998, implement the United States General Accounting Office recommendations regarding revision of the Commission's Administrative Instructions and structural regulations to reflect the current agency structure, and establish a management information system to enhance the oversight and project efficiency of the Commission.

(b) *ADA ENFORCEMENT REPORT.*—Not later than September 30, 1998, the Commission shall complete and submit a report regarding the enforcement of the Americans with Disabilities Act of 1990.

(c) *RELIGIOUS FREEDOM IN PUBLIC SCHOOLS.*—(1) *REPORT REQUIRED.*—Not later than September 30, 1998, the Commission shall prepare, and submit under section 3 of the Civil Rights

Commission Act of 1983, a report evaluating the policies and practices of public schools to determine whether laws are being effectively enforced to prevent discrimination or the denial of equal protection of the law based on religion, and whether such laws need to be changed in order to protect more fully the constitutional and civil rights of students and of teachers and other school employees.

(2) *REVIEW OF ENFORCEMENT ACTIVITIES.*—Such report shall include a review of the enforcement activities of Federal agencies, including the Departments of Justice and Education, to determine if those agencies are properly protecting the religious freedom in schools.

(3) *DESCRIPTION OF RIGHTS.*—Such report shall also include a description of—

(A) the rights of students and others under the Federal Equal Access Act (20 U.S.C. 4071 et seq.), constitutional provisions regarding equal access, and other similar laws; and

(B) the rights of students and teachers and other school employees to be free from discrimination in matters of religious expression and the accommodation of the free exercise of religion; and

(C) issues relating to religious non-discrimination in curriculum construction.

(d) *CRISIS OF YOUNG AFRICAN-AMERICAN MALES REPORT.*—Not later than September 30, 1999, the Commission shall submit a report on the crisis of young African-American males.

(e) *FAIR EMPLOYMENT LAW ENFORCEMENT REPORT.*—Not later than September 30, 1999, the Commission shall submit a report on fair employment law enforcement.

(f) *REGULATORY OBSTACLES CONFRONTING MINORITY ENTREPRENEURS.*—Not later than September 30, 1999, the Commission shall develop and carry out a study on the civil rights implications of regulatory obstacles confronting minority entrepreneurs, and report the results of such study under section 3 of the Civil Rights Commission Act of 1983.

#### SEC. 9. ADVISORY COMMITTEES.

Section 3(d) of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a(d)) is amended by adding at the end the following: "The purpose of each such advisory committee shall be to conduct fact finding activities and develop findings or recommendations for the Commission. Any report by such an advisory committee to the Commission shall be fairly balanced as to the viewpoints represented."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. CANADY) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. CANADY).

GENERAL LEAVE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CANADY of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3117, the Civil Rights Commission Act of 1998, reauthorizes the U.S. Commission on Civil Rights through fiscal year 2001, and institutes reforms to help ensure that the commission will be more effective in pursuing its important mission.

The Committee on the Judiciary considered this legislation on March 3 of